Before the FEDERAL COMMUNICATIONS COMMISSION RECEIVED Washington, D.C. 20554

JAN 1 3 2005

	Federal Communications Commission Office of the Secretary
In the Matter of)
Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Jackson and Madison, Mississippi)	MM Docket No RM RECEIVED - FCC DOCKET FILE COPY ORIGINAL
To: Chief, Allocations Branch Policy and Rules Division	Federal Communication Commission Bureau / Office

PETITION FOR RULE MAKING

New South Communications, Inc. ("Petitioner"), licensee of FM Station WUSJ, Jackson, Mississippi (Facility ID No. 62050), by its counsel and pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules, hereby petitions the Commission for amendment of the Commission's Table of FM Allotments (Section 73.202(b) of the Commission's Rules) to delete Channel 242C at Jackson, Mississippi, allot Channel 242C at Madison, Mississippi, and modify Petitioner's license accordingly. In support hereof, Petitioner states as follows:

- 1. As indicated in the attached Technical Exhibit, no AM or FM radio station is currently licensed to the city of Madison, Mississippi. The allocation of Channel 242C to Madison would result in Madison's first local aural transmission service.
- 2. The allocation of Channel 242C to Madison would not deprive Jackson of its only local service since there are seven FM radio stations and five AM radio stations licensed to Jackson that will continue to provide transmission service to Jackson.¹

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LATHAM WATKINS 11P ATTORNEYS AT LAW

DC\720646.1

Mass Media Bureau

FM stations: WHLH, WJMI, WJSU-FM, WMPN-FM, WMPR, WMSI and WWJK. AM stations: WJDX, WKXI, WOAD, WSFZ and WZRX.

- 3. As shown in the attached Technical Exhibit, the proposed change does not contemplate a change in transmitter location, height or power. Therefore, Channel 242C's spacing will continue to comply with the Commission's spacing requirements, and Station WUSJ(FM) will continue to place a city grade signal over Madison as well as over Jackson.
- 4. The city of Madison is located within the Jackson urbanized area, as is the city of Jackson, and no change to the coverage of Station WUSJ(FM) is proposed hereby. Consequently Station WUSJ(FM) already serves the Jackson urbanized area and the first local service preference is not being used as a basis to enter the market. Therefore no "Tuck" showing is required. Long Beach and East Los Angeles, California, 10 FCC Rcd 2864 at paras. 20-21 (Mass Media Bureau 1995); Tullahoma, Tennessee and New Market, Alabama, 19 FCC Rcd 11000 at para 4 (Media Bureau 2004).
- 5. Madison is a community for allotment purposes. The Commission has held that "examples of objective indications of community status include the existence of political, commercial, social and religious organizations and services in the community." *Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 934 (1990). Madison has a population 14,692 according to the 2000 U.S. Census. It is governed by a mayor and five-member board of aldermen. (See Attachment A) Madison also has its own city services, including a department of finance and administration, a department of parks and recreation, a department of planning and development, a department of public works, a fire department, and a police department. (See Attachment B) Public schools, elementary through high school, together with a Catholic high school and other educational

institutions, as well as the Madison Public Library, are located in Madison. (See Attachment C) At least twenty churches are located in Madison. (See Attachment D) In addition, Madison has numerous businesses and commercial establishments, including banks, hotels, stores and restaurants.

6. Petitioner requests that Channel 242C be allotted to Madison, Mississippi, and that Channel 242C be deleted from Jackson, Mississippi. In the event that the Commission adopts such an amendment to the FM Table of Allotments, Petitioner hereby states that it will promptly apply for the Commission's authorization to modify WUSJ(FM)'s licensed facilities in order to specify operation on Channel 242C at Madison, Mississippi.

Respectfully submitted,

NEW SOUTH COMMUNICATIONS, INC.

By

David D. Burns Latham & Watkins LLP 555 Eleventh Street, NW Washington, DC 20004 Telephone: 202-637-2200

Its Counsel

January 10, 2004

TECHNICAL EXHIBIT



Engineering Study In Support of a Petition for Rule Making WUSJ(FM) New South Communications, Inc.

The instant engineering statement is offered in support of a petition for rule making that is submitted by New South Communications, Inc. ("New South") licensee of WUSJ (FM) Jackson, MS. The PRM seeks to delete channel 242C0 at Jackson, MS and allocate the same to Madison, MS at that community's first local service. It also seeks to have the license of WUSJ modified accordingly.

New South seeks to use WUSJ to serve Madison with that community's first aural service. The indicia, growth patterns and population increases of Madison are discussed in the legal section of the WUSJ PRM.

Discussion

Presently WUSJ operates on channel 242C0 licensed to Jackson, MS. No change in the allotment reference coordinates, or the final licensed coordinates of WUSJ are proposed. WUSJ, as a class C0, more than adequately serves 100% of the community of Madison with the required 70 dbu contour. This is discussed in more detail later. The deletion of channel 242C0 at Jackson will not create a lack of local service for the community of Jackson. The list below depicts the remaining FM stations licensed to Jackson after channel 242C0 is deleted.

I. <u>WJSU-FM</u> 203 C3 FM 88.5 MHz LIC JACKSON MS US BLED-19940627KA <u>29700</u> 24.5 kW 61. m JACKSON STATE UNIVERSITY

II. WMPR 211 C1 FM 90.1 MHz LIC JACKSON MS US BLED-19840702DW 29552 100. $\overline{\text{kW}}$ 137. m J.C. MAXWELL BROADCASTING GROUP, INC

III. $\underline{\text{WMPN-FM}}$ 217 C FM 91.3 MHz LIC JACKSON MS US BLED-20010430AAC $\underline{46682}$ 45. $k\overline{\text{W}}$ 423. m MISSISSIPPI AUTHORITY FOR EDUCATIONAL TV

- IV. WWJK 234 C FM 94.7 MHz LIC JACKSON MS US BLH-19850509KA 27509
- 100. kW 340. m BACKYARD BROADCASTING MISSISSIPPI, LLC
- V. WHLH 238 C FA 95.5 MHz USE JACKSON MS US 59825
- 100 kW m CAPSTAR TX LIMITED PARTNERSHIP
- VI. WUSJ 242 C0 FM 96.3 MHz LIC JACKSON MS US BMLH-20040223AOO 62050 100 kW 391.4 m NEW SOUTH COMMUNICATIONS, INC.
- VII. <u>WJMI</u> 259 C FM 99.7 MHz LIC JACKSON MS US BLH-7788 50408 100. kW 323. m URBAN RADIO OF MISSISSIPPI, L.L.C.
- VIII. WMSI-FM 275 C FM 102.9 MHz LIC JACKSON MS US BLH-20010806AAC $\underline{59822}$ 100. kW 575. m CAPSTAR TX LIMITED PARTNERSHIP

The remaining AM services licensed to the community;

- I. <u>WJDX</u> AM 620 kHz DAN Daytime B B LIC JACKSON MS US BL 5.0 kW 59817 CAPSTAR TX LIMITED PARTNERSHIP
- II. <u>WSFZ</u> AM 930 kHz DAN Daytime B B LIC JACKSON MS US BL 5.0 kW 62049 SPORTSRAD, INC.
- III. WOAD AM 1300 kHz ND1 Daytime B B LIC JACKSON MS US BL-19810515AA 5.0 $\overline{\text{kW}}$ 50404 URBAN RADIO OF MISSISSIPPI, L.L.C.
- IV. WKXI AM 1400 kHz ND1 Unlimited C C LIC JACKSON MS US BL-- 1.0 kW 50409 URBAN RADIO OF MISSISSIPPI, L.L.C.
- V. WZRX AM 1590 kHz DAN Daytime B B LIC JACKSON MS US BL-- 5.0 kW 37169 CAPSTAR TX LIMITED PARTNERSHIP

The previous entries were taken from the AM & FM query at the Commission's web site.

It indicates a minimum of 12 remaining local services licensed to the community of

Jackson.

The instant PRM does not include a 60 dbu gain/loss or remaining services studies since no change in the WUSJ technical facility is proposed. However, to depict clear spacing for the proposed allotment, and compliance with §73.315, three exhibits are included.

Exhibits

Exhibit E, Figure 1 is an allocation study for channel 242C0 at Madison. The allotment reference coordinates are the same as those currently licensed to WUSJ. The study

depicts clear spacing, and therefore compliance with 73.207, for the allotment of channel 242C0 at Madison.

Exhibit E, Figure 2 is a map depicting the allotment reference site for channel 242C0 at Madison. In addition, a 70 dbu contour for a maximum C0 illustrates the required city grade coverage to 100% of Madison and compliance with §73.315.

Exhibit E, Figure 3 is a copy of the same map with the current licensed 70 dbu of WUSJ shown. In the event the licensee decides to continue to use the current licensed WUSJ technical facility after the allotment of channel 242C0 is granted, 100% of the community of Madison will be served.

Conclusion

The instant engineering study has demonstrated that channel 242C0 can be deleted at Jackson and allotted to Madison with no interruption to the spectrum. All current rules are satisfied by this proposal and the fast growing community of Madison, MS can gain its first broadcast service.

Respectfully submitted,

Paul H. Reynolds

Reynolds Technical Associates

12585 Old Highway 280 East

Yellowleaf Creek Landing

Suite 102

Chelsea, AL 35043

205.618.2020

Prepared this 20th day of December, 2004.



Engineering Study In Support of a Petition for Rule Making

WUSJ (FM)

New South Communications, Inc.

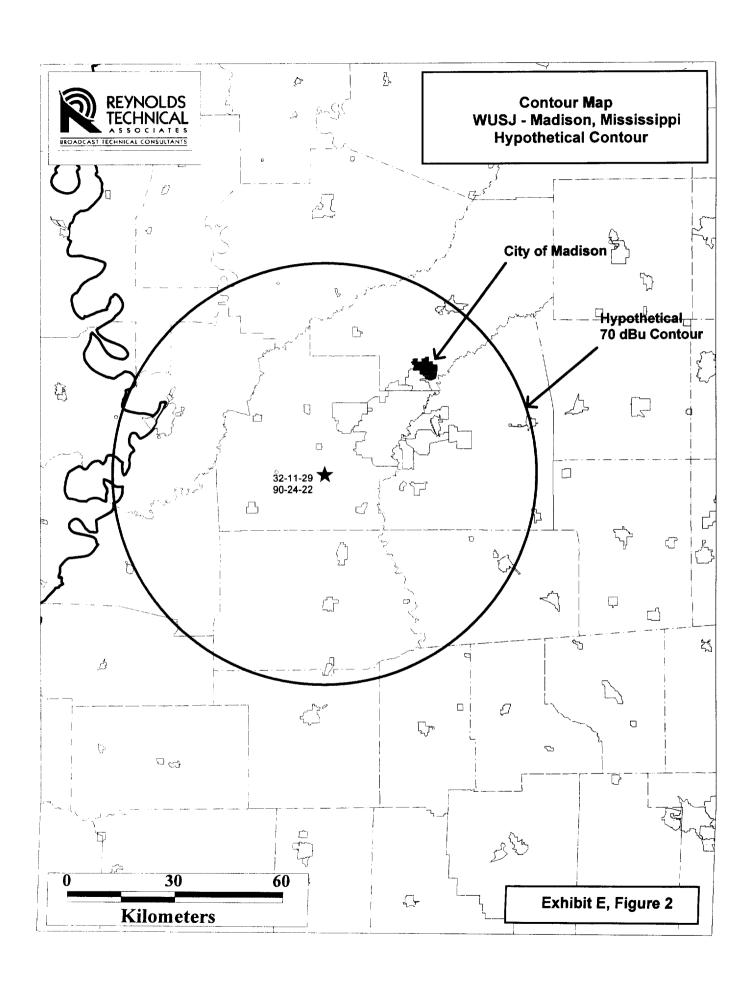
ADD 242C0 Madison, MS

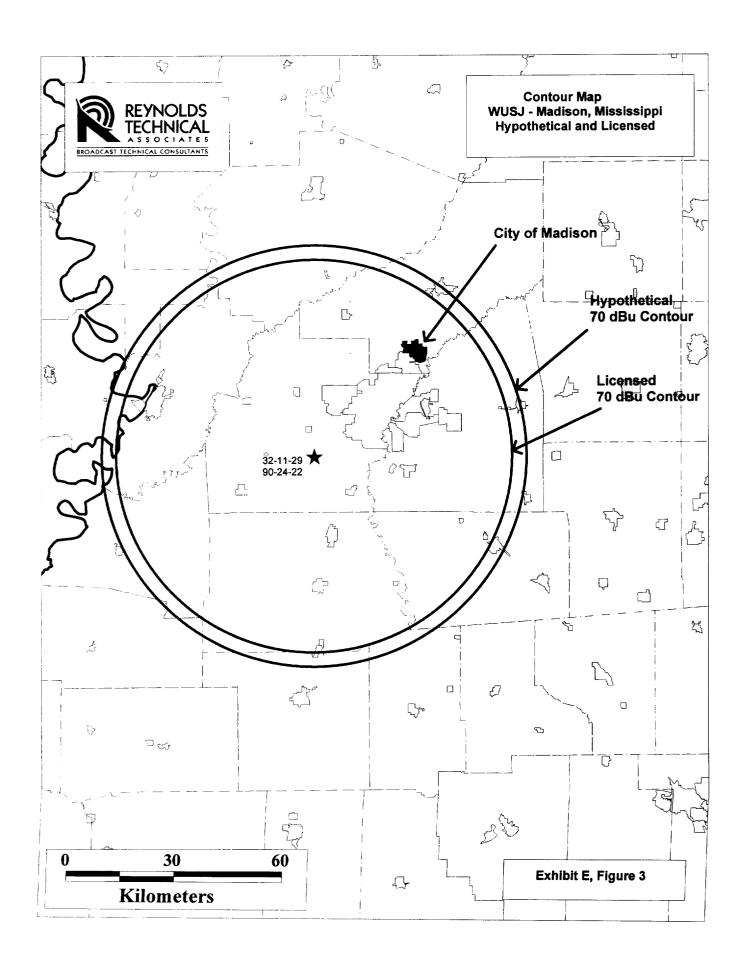
(Deleting Ch 242C0 at Jackson and allotting Ch 242C0 to Madison, MS)

·· ··			S = C0 Spacings			DISPLAY DATES DATA 12-17-04 SEARCH 12-20-04		
Call	Cha	nnel	Location		Dist	Azi		
Community of Madison Reference Coordinates: North Latitude: 32-11-29 West Longitude: 90-24-22				40.57				
WUSJ LIC-N 242C0 Jackson MS 0.00 0.0 270.0 -270. Of No Concern: Licensed site and community before modification proposed in instant PRM								-270.00
RADD	ADD	242A	Livingston	AL	215.45	77.4	215.0	0.45
WXHB	LIC	243A	Richton	MS	163.66	124.5	152.0	11.66
WXHB.C	CP -N	243C3	Richton	MS	174.81	116.9	163.0	11.81
WBBN.A	APP-D	240C1	Taylorsville	MS	107.46	125.0	94.0	13.46
WTGG	LIC	243A	Amite	LA	166.04	181.3	152.0	14.04
WBBN	LIC	240C2	Taylorsville	MS	107.44	125.1	89.0	18.44
WLZA	LIC	241C2	Eupora	MS	196.42	39.5	176.0	20.42
KRVE	LIC	241C2	Brusly	LA	196.68	196.9	176.0	20.68
WTGG.A	APP	243A	Amite	LA	173.98	180.1	152.0	21.98
AL244	VAC	244C2	Walnut Grove	MS	111.20	58.2	89.0	22.20
KWCLFM	LIC	244C3	Oak Grove	LA	115.95	310.1	87.0	28.95
WFFFFM	LIC	244A	Columbia	MS	115.95	152.7	86.0	29.95
KMARFM	CP	240A	Winnsboro	LA	126.50	270.0	86.0	40.50
KMARFM	LIC	240A	Winnsboro	LA	127.51	270.5	86.0	41.51
KMRX	LIC	241C1	El Dorado			300.3		

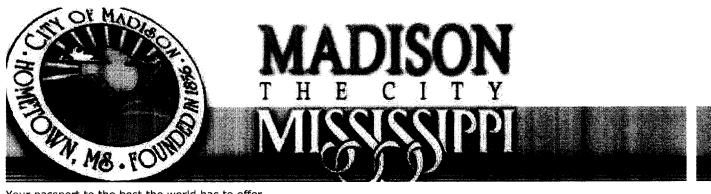
Exhibit E, Figure 1



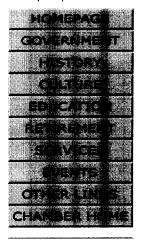




ATTACHMENT A



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THE MAYOR'S HOTLINE



Mississippi's FIRST



The New Single Point Urban Interchange (SPUI)

MADISON'S GOVERNMENT



MADISON CITY HALL P.O. Box 40 Madison, MS 39130-0040

1004 Madison Ave. Madison, MS 39110 601-856-7116 FAX 601-856-8786

MADISON GOVERNMENT — The City operates under a Mayor/Board of Aldermen form of government. The Governing Body of the City consists of the Mayor and a five-member Board of Aldermen, four members of which are elected from separate wards, while the fifth member is elected at large. Both the Mayor and members of the Board of Aldermen are elected for concurrent four-year terms, which will expire 2005. The current Mayor and members of the Board are as follows:







Lisa Clingan-Smith Alderman-At-Large

Tawanna Tatum Alderman, Ward 1

Pat Peeler Alderman, Ward 2

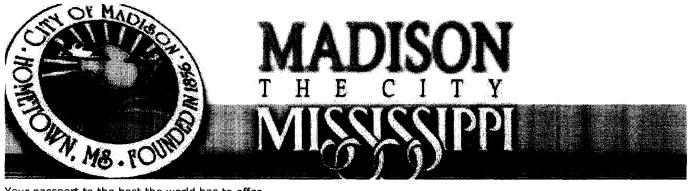


Dan Prather Alderman, Ward 3

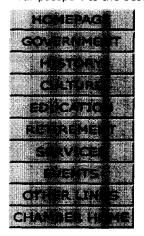
Steve Hickok Alderman, Ward 4



ATTACHMENT B



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THE MAYOR'S HOTLINE



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The New Single Point Urban Interchange (SPUI)

DEPARTMENT OF FINANCE AND ADMINISTRATION



The Department of Finance and Administration, overseen by the City Clerk is responsible for administering many operating functions of city government and conducting municipal elections. The department handles the recording and maintenance of city records, city council actions, fiscal management functions, as well as accounting and data processing. Specific responsibilities include:

Financial management of city revenues and disbursements

- Collection of taxes, payment of water bills and other fees
- Issuance of licenses to businesses
- · Maintenance of city documents and processing of requests for copies of official documents
- Operation of city's computerized data systems
- Registration of voters and overseeing city elections
- Overseeing of Human Resources Office



2003 BUDGETS

Property Taxes

Property taxes are collected on all real property in the city and on personal property. Furniture, equipment, machinery and inventory owned by businesses also are subject to tax. Property values are established by the

Madison County Tax assessor and tax collections are handled by the county tax collector through an agreement with the City of Madison.

Privilege Tax Licenses

All businesses are required by state law to procure a license to engage in business in the City of Madison. The basic information needed to obtain a license is the number of employees and/or the wholesale value of the inventory. Additional information may be needed for specific business.

Home Occupation Permits are required for individuals conducting business from their residence. This is a one-time fee of \$25.

The Tax Office is located in City Hall.

Voter Registration and Elections

The City of Madison, in conjunction with the Madison County Circuit Clerk's office, offers dual registration. This means you may register at either City Hall or at the county Circuit Clerk's office for both Municipal and County/State/Federal elections. Mail-in forms may also be obtained by calling (601) 856-7116, or by sending a written request to:



Susan CrandallCity Clerk/Director of Finance and Administration



P.O. Box 40
Madison, MS 39130-0040

1004 Madison Ave. Madison, MS 39110 601-856-7116 FAX 601-856-8786

MENU FOR CITY SERVICES

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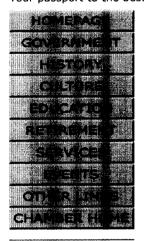
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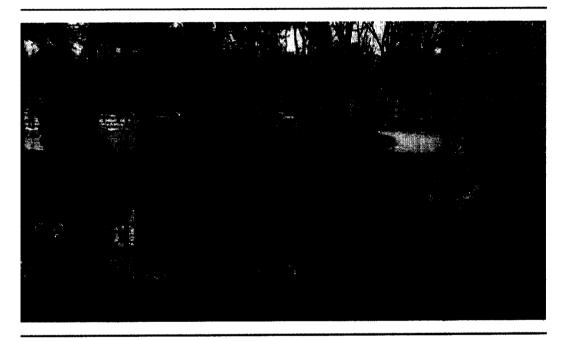


Mississippi's FIRST



The New Single Point
Urban Interchange (SPUI)

DEPARTMENT OF PARKS AND RECREATION



The mission of the Department of Parks and Recreation is to provide facilities and programs that enhance the quality of life for city residents. Following are details about facilities and programs available. Contact Parks and Recreation at 853-9109 for additional information on any programs.

Facilities

Liberty Park - This multi-purpose sports complex offers:

- 5 Lighted baseball/softball fields
- 5 Regulation soccer fields, 2 of which are lighted and can be subdivided as needed
- 5 Lighted batting cages
- 2 Beach volleyball courts
- Paved walking track
- Cross-country track is under construction
- Liberty Village Playground, designed from the imaginations of Madison children

Strawberry Patch Park - A seven-acre neighborhood park has been built on this beautiful site, which also features a two-acre lake. Walking trails have

been combined with exercise stations, playground equipment and picnic areas to provide a place to exercise, or simply to enjoy the serenity of the lake.

Simmons Arboretum - Designed as a nature area, walking trails run through varieties of Mississippi's native plant life, trees and shrubs.

RECREATIONAL PROGRAMS SIMMONS ARBORETUM



City Parks and Recreation Director



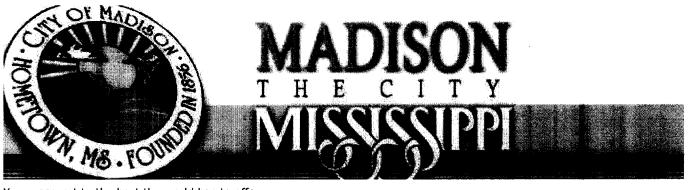
525 Post Oak Road Madison, MS 39110-9399 601-853-9109 FAX: 601-856-8996

MENU FOR CITY SERVICES

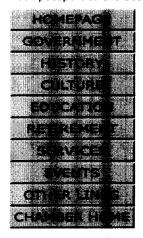
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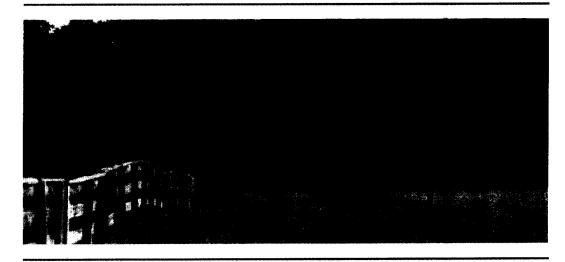


Mississippi's FIRST



The New Single Point Urban Interchange (SPUI)

DEPARTMENT OF PLANNING AND DEVELOPMENT



The City of Madison Department of Planning and Development reviews and makes recommendations on all development projects within the city, enforces the city's zoning ordinance, and provides a full range of community development services. The City of Madison Building Department is also a part of the Department of Planning and Development.

Planning Department

Specific responsibilities include:

- Zoning Ordinance enforcement
- Preliminary plat review
- Site plan review
- Sign Ordinance enforcement
- Assist public and developers with zoning questions
- Floodplain review

Building Department

The Director of Planning and Development oversees the Building Department, as well.

This department is responsible for:

- Issuance of commercial and residential building permits
- Commercial and residential building inspections

Assist public, builders and developers with questions.



PLANNING & DEVELOPMENT

P.O. Box 40

Madison, MS 39130-0040

1004 Madison Ave. Madison, MS 39110 601-856-7116



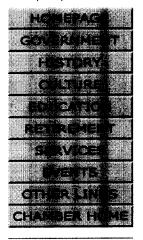
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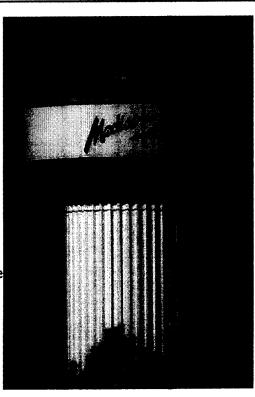
THE MAYOR'S HOTLINE



DEPARTMENT OF PUBLIC WORKS



The professionals at the Department of Public Works handle many different tasks to ensure clean, safe drinking water, efficient sewer service and maintenance of city streets and all other city maintenance related issues. Each of these functions is described in greater detail below.



Water System

Madison provides water service to approximately 3,400 homes and businesses.

The water is drawn from deep wells, just like many bottled water companies. In fact, it can be classified as "natural artesian spring water." Two of these wells are in the Cockfield formation and two are in the Sparta formation.

For billing questions or new water service, please contact the Water Department at City Hall

Sewer System

Sewer service is provided to approximately 6,300 residences and businesses inside the city limits and in outlying areas. Working together, the cities of Madison, Ridgeland and Jackson formed the East Madison Regional Sewer System (Metro Sewer). Regional sewer interceptor lines were constructed that follow Brashear Creek and Culley Creek. The City of Ridgeland maintains these lines and a large sewerage pumping station near the City of Madison Public Works facility on

(601) 856-7116.



Consumer Confidence Report 2003 Water Quality Report

Post Oak Road. The regional sewer interceptor lines flow to the Savannah Street sewerage treatment plant in south Jackson. The use of these two systems accounts for two sewer charges that appear on water/sewer bills. The city charge helps pay for operation, maintenance and debt service of the city's collection system, while the Metro Sewer charge helps to cover costs of operation, maintenance and debt service for the regional interceptor lines and treatment system. Currently all sewer providers in Madison County have formed the **Madison County Sewer** Authority and are developing sewer treatment within Madison County so that another treatment option will be available.

Street Department

This department maintains all public rights-of-way inside the city limits, with the exception of Highway 51, Interstate 55 and Highway 463. It is also charged with maintaining dedicated drainage easements, which includes creeks, ditches, culverts, curbs and inlets. Maintenance of street signs and traffic signals also fall under this division.

One of the biggest challenges is keeping litter picked up. There are several ways that citizens can help. **Please don't litter.** Remember YOUR tax dollars are used to clean up litter. Call the Madison Police Department at (601) 856-6111 to report littering. Give a location, description of the person and/or vehicle, and a direction of travel. This includes any trucks or trailers that spill their loads. Madison has an "Adopt-a-Street" program. Businesses, churches, civic groups and families are encouraged to join with their friends and neighbors to make Madison litter free.

If you have any questions about the many services provided by the Public Works Department, please call (601) 856-8958. Use this same number to report any after-hours emergency. Someone is on call 24 hours a day.



Denson Robinson
Public Works Director



525 Post Oak Road Madison, MS 39110-9399 601-856-8958 FAX: 601-856-8996

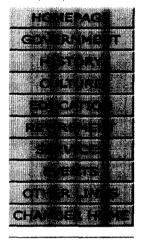
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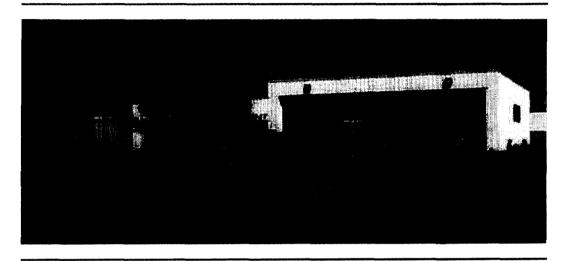


Mississippi's FIRST



The New Single Point Urban Interchange (SPUI)

MADISON FIRE DEPARTMENT



The City of Madison is able to trace some form of organized fire protection back to World War II, when Bruce Campbell Field on old Canton Road was a training facility for foreign pilots. When the air base closed at the end of the war, it was turned over to the City of Madison for use as a general aviation facility. Two 1946 vintage fire trucks were also left with the base. They were housed in a wood frame structure just north of the current hangers on the airfield.

In 1970, a new Jaco pumper was purchased and housed in a new one-bay fire station located on Main St. In 1980, another new pumper, an American LaFrance, was purchased and housed in the new station built on the airport property on Old Canton Road.

Today, fire protection services are provided by 12 career and 35 volunteer firefighters operating 3 pumpers, 1 aerial truck, two rescues and four command/support vehicles out of two fire stations.

The fire department staff consists of a chief, assistant chief, fire inspector, and EMS director. The department works year round to provide public education and fire prevention training to its citizens through the schools, churches, and civic organizations. The EMS director works closely with the nursing homes and retirement centers

